

Hunter v. Durr

06 - CV - 00411

Exhibit D

**to Plaintiff's Suggestions in Opposition
to Defendant's Motion for Summary Judgment**

**Excerpts from Deposition of Anne Marie Hunter
taken on October 5, 2006**

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1 or my own gear?

2 Q. Well, inside the paint, the
3 robotic paint booth where you're taking
4 these shots, what kind of equipment did
5 you have with you that you were using
6 in there while shooting the shoots?

09:40:36AM

7 A. My camera gear?

8 Q. Yes.

9 A. I had my camera bag, my camera
10 with my 70 to 210 lens on it and a
11 flash, an extra battery pack, my film
12 bag, and my tripod.

13 Q. Were you shooting digital or
14 film?

15 A. Film.

09:41:04AM

16 Q. And what kind of camera were
17 you using?

18 A. A Canon EOS-1N.

19 Q. And then you said you had a
20 special 70 by 210?

09:41:12AM

21 A. Seventy to 210 2.8 lens.

22 Q. What is that, like a telephoto
23 lens?

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1 A. Uh-huh, yes.

2 Q. And then you have an extra
3 battery pack?

4 A. Uh-huh.

5 Q. And you've got a bag?

09:41:22AM

6 A. My camera bag with my other
7 lenses, another body, batteries,
8 filters, just a lot of other equipment
9 that I use.

10 Q. Now, with the camera and the
11 bag, the extra batteries, the extra
12 lenses and the 70-210 lens, what does
13 that equipment weigh?

09:41:34AM

14 A. I think 35 pounds.

15 Q. Okay. Now, what would the
16 weight be of your tripod?

09:41:50AM

17 A. Well, the camera was on it
18 when I went in there. So do you mean
19 the tripod by itself or --

20 Q. Yes, ma'am, approximately?

09:42:12AM

21 A. I think it might be seven
22 pounds.

23 Q. Okay. So when you go into the

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1 times in these plants, you have to like
2 wear industry clothes, to put on
3 booties and a hat, but I didn't in this
4 case, but lots of times you do.

5 Q. But on this occasion, you 09:44:00AM
6 didn't have to do that?

7 A. Uh-uh.

8 Q. No?

9 A. Correct, no.

10 Q. All right. You go in, and 09:44:06AM
11 what do you do?

12 A. I have my camera bag, my film
13 bag, and my camera on my tripod, and
14 I'm watching the car bodies. There's
15 one in front of me, one ahead of me, 09:44:24AM
16 and then there's car bodies that come
17 up behind me. And I start -- I start
18 watching to see if the robots are ready
19 to start painting, I watch the sensors
20 and I start walking with my tripod 09:44:40AM
21 and -- do you want to know what happens
22 after that? I mean, are you asking me
23 to tell me what happened with my

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1 accident yet?

2 Q. No, I'm just asking you what
3 you did first.

4 A. The first thing I did was to
5 walk in and scope things out.

09:44:52AM

6 Q. Let me stop there, and we'll
7 take it in small bites. When you go in
8 to scope it out, is anything moving?

9 A. No.

10 Q. Okay. But you've got some car
11 bodies in there?

09:45:00AM

12 A. Yes.

13 Q. And then you said something
14 about watching the robots?

15 A. Right.

09:45:06AM

16 Q. Are the robots moving?

17 A. No.

18 Q. So what is it that you're
19 trying to do, with nothing moving, in
20 order to determine what kind of shots
21 you want to make?

09:45:16AM

22 A. I'm seeing if I want my --
23 what my lens is that I need, can I

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1 Q. Okay.

2 A. Also because I use a really
3 fast speed of film and my shutter speed
4 doesn't have to be that long, and
5 because I've done this for so long, and 09:51:18AM
6 this is what I do, and I make good
7 pictures like this, really good, not
8 extreme photography but --

9 Q. All right. Let's work off of
10 Defendant's Exhibit 2. Did you shoot 09:51:30AM
11 more than one direction in the robot
12 paint booth on this occasion where the
13 accident occurred?

14 A. Yes.

15 Q. Did you get at one end and set 09:51:48AM
16 up and shoot --

17 A. No, I --

18 Q. -- and then go to the other,
19 how did it work?

20 A. When I first came in, I 09:51:56AM
21 stopped right there, and I turned
22 around and got these feathers and some
23 shots going back down the line from

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1 behind me. And then I waited for the
2 body in front of me to start moving and
3 then there was another body in front
4 for when the robot started to paint,
5 and then I started to walk forward.

09:52:14AM

6 Q. Okay. And is that when your
7 accident happened?

8 A. Uh-huh.

9 Q. Yes?

10 A. Yes.

09:52:20AM

11 Q. Okay.

12 A. Sorry.

13 Q. Can you see in Defendant's
14 Exhibit 2 where you started before you
15 followed the car?

09:52:28AM

16 A. I'm pretty sure that it's
17 right -- like the exit door is right
18 here (indicating) after the emu
19 feathers.

20 Q. And that's where you came in?

09:52:40AM

21 A. Uh-huh, enters and exits,
22 right.

23 MR. CARLSON: Have you got a

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1 Q. All right. Then you said at
2 that point there are cars behind you?

3 A. Right.

4 Q. And is that as you're looking
5 at these emu feathers?

09:59:30AM

6 A. Yes.

7 Q. Okay.

8 A. But the car was not moving
9 yet.

10 Q. Good.

09:59:34AM

11 A. I've been hit by a car before.
12 I've been hit by a robot before.

13 Q. All right. Tell me what you
14 do next.

15 A. Christian says the bodies are
16 going to be coming, I need to go
17 outside. I said that I will go
18 forward, and after I did emu feathers,
19 he went out, and I walked forward to
20 start the body, and then a body came
21 up --

09:59:44AM

09:59:56AM

22 Q. Wait, wait, wait. You walked
23 forward, you walked forward and did

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1 what?

2 A. Nothing. I moved away, a body
3 was coming up.

4 Q. Okay.

5 A. Christian said --

10:00:06AM

6 Q. As you look at Defendant's
7 Exhibit 4 in the bottom --

8 A. Yes.

9 Q. -- would that car that we see
10 be coming towards you?

10:00:12AM

11 A. No, that's going away from me.

12 Q. It's one from behind you
13 that's coming up?

14 A. Correct.

15 Q. Got you.

10:00:16AM

16 A. So Christian said that they're
17 coming, so I stepped aside to let it
18 go. And then he said, Are you ready?
19 He left to go operate the computer
20 outside. I got back on here, started
21 walking. The first body was here
22 getting ready to get painted, and I
23 went up to there to set up.

10:00:26AM

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1 Q. Let me just -- I know this is
2 kind of tedious, but for me to
3 understand what you're talking about
4 and so the record makes sense, I just
5 want to go back over it a little bit
6 and see if I've got the sequence
7 correct, okay?

10:00:44AM

8 A. Okay.

9 Q. You and Christian go into the
10 robotic paint booth, and he shows you
11 where the emu feathers are?

10:00:50AM

12 A. Uh-huh. He just wanted to
13 point out that was something new
14 that -- particular to this plant that
15 no one else had done before.

10:01:02AM

16 Q. All right. And then because
17 you learned it was new, did you decide
18 maybe I ought to take a picture of
19 those?

20 A. Yes.

10:01:10AM

21 Q. And you take that picture as
22 you're facing in the bottom of
23 Defendant's Exhibit 4, and then he

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1 at the time -- I might have moved two
2 or three times, but the time that I
3 picked it up and my foot slipped, I put
4 it down. As I was putting it down, my
5 foot slipped and I looked down, and I
6 was headed down. And if it wasn't for
7 my tripod hooked up over here, I would
8 have fallen through that hole.

10:05:30AM

9 Q. Okay. Do you think you set up
10 your tripod one, two, or three times
11 before this accident occurred?

10:05:42AM

12 A. I don't know. Maybe a couple,
13 maybe three.

14 Q. Okay. And in each of those
15 settings, with the exception of the
16 last, did you take pictures from the
17 tripod?

10:05:54AM

18 A. Yes.

19 Q. And on the third time --

20 A. Or maybe the fourth.

10:06:02AM

21 Q. Okay. Anyway, on the last
22 one --

23 A. It was at the most that

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1 probably.

2 Q. On the last one, do you get
3 your tripod established and firmly set?

4 A. No. I am setting it down
5 trying to get it locked into the sides
6 and my foot slips. And as my foot
7 slips, my tripod locks down onto the
8 sides, and that is what I used to pull
9 myself up so I wouldn't go through that
10 hole.

10:06:14AM

10:06:30AM

11 Q. Okay. At the time that you
12 set your tripod up in front of that
13 hole, how far was the tripod from the
14 hole?

15 A. I don't think we can say that
16 I set it up. I was in the process of
17 setting it up.

10:06:42AM

18 Q. And where you were setting it
19 up?

20 A. And the hole is here and the
21 tripod would have, once again, gone
22 here on those rails for stabilizing it
23 (indicating).

10:06:48AM

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1 Q. But what I'm asking is this:
2 As you were trying to set up the tripod
3 in front of this hole, about how far
4 was your tripod from the hole?

5 A. It straddled it probably.

10:07:06AM

6 Q. Straddled the hole?

7 A. Probably, yeah, because I
8 didn't see it.

9 Q. Okay.

10 A. So I'm walking with all my
11 gear and getting ready, okay, I want
12 this shot, set my tripod down, take a
13 step, my tripod locks down or sets down
14 on these (indicating), my foot slips.
15 I look down, and there's death,
16 seriously.

10:07:14AM

17 Q. What did your foot slip on?

18 A. It slipped into the hole. I'm
19 walking on this (indicating), and my
20 foot slips into the hole.

10:07:42AM

21 Q. Okay. While you're setting up
22 your tripod?

23 A. While I'm carrying my tripod,

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1 thinking that I'm going to set it down
2 in a second, and I'm setting it down,
3 and my foot goes into the hole.

4 Q. Okay.

5 A. Because my tripod is further
6 extended out than the hole.

10:07:56AM

7 Q. Right. It's my understanding
8 that in this robotic paint booth that
9 if you were to step off the side of
10 that center aisle --

10:08:08AM

11 A. Uh-huh.

12 Q. -- going down through what you
13 see in Defendant's Exhibit 4, there's
14 about two-foot drop-off on either side?

15 A. I don't think it's two feet.

10:08:16AM

16 Q. How much do you think it is?

17 A. A foot.

18 Q. Okay. Would it be fair to say
19 whatever that drop-off is, it does drop
20 off both sides of the area you're
21 walking on at the time of this
22 accident?

10:08:24AM

23 A. Can you ask that again,

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1 please?

2 Q. Sure. I'm not trying to trick
3 you but it's --

4 A. I normally walk here. I don't
5 walk over here (indicating).

10:08:36AM

6 Q. Right. And when you say
7 you're walking here, you're walking on
8 the grates where you've shown the
9 tripod straddling in Defendant's
10 Exhibit 4?

10:08:46AM

11 A. Right.

12 Q. Okay. Here's all I'm asking:
13 Would it be fair to say on either side
14 of that area that you were walking on,
15 it dropped off at least a foot?

10:08:54AM

16 A. Yes.

17 Q. On both sides?

18 A. Yes.

19 Q. Okay. All I'm trying to
20 establish is it's not a level floor,
21 you're walking up on kind of a catwalk?

10:09:00AM

22 A. I think catwalks are defined
23 much higher. I wouldn't say that.

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1 I've been on catwalks. That's just a
2 floor for the bodies to pass on. Yeah,
3 I mean, if you call a foot drop-off a
4 catwalk, but I wouldn't call it that.

5 Q. I understand that, but I'm
6 just trying to say it does elevate --
7 it's elevated in that area, a foot on
8 both sides?

10:09:16AM

9 A. Okay. Yes.

10 Q. Okay. Now, when you're
11 setting down your tripod that last
12 time, it sounds to me, and you correct
13 me if I'm wrong, that the legs of the
14 tripod are overreaching and going
15 outside the confines of what I call the
16 catwalk?

10:09:24AM

17 A. No.

18 Q. Or were you able to get the
19 legs of the tripod on the outer edges
20 of that catwalk?

10:09:42AM

21 A. They were right here
22 (indicating).

10:09:52AM

23 Q. Just like you've drawn it?

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1 A. Uh-huh.

2 Q. Only further down?

3 A. Uh-huh.

4 Q. Yes?

5 A. Yes.

10:10:00AM

6 Q. Okay. And just so I
7 understand, when you stepped in the
8 hole, you were in the process of
9 putting your tripod in place --

10 A. Yes.

10:10:10AM

11 Q. -- to take these pictures?

12 A. Yes.

13 Q. And when you put your foot in
14 the hole, were the legs of the tripod
15 in contact with the floor?

10:10:16AM

16 A. It probably happened
17 simultaneously.

18 Q. Simultaneously. Now, at that
19 point in time, how far is the car that
20 you're photographing in front of you,
21 how far away is it?

10:10:26AM

22 A. Ten feet maybe.

23 Q. Okay. And that's from your

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1 tripod to the rear end of the car?

2 A. Yeah.

3 Q. Okay. Was there anything
4 obstructing your view of the hole in
5 the floor at the time you were setting
6 this tripod up and you stepped in the
7 hole?

10:10:46AM

8 A. No. I wasn't looking for a
9 hole in the floor, so I wouldn't have
10 seen it.

10:10:56AM

11 Q. Okay. But what I'm asking,
12 there wasn't anything between you and
13 that car that would have kept you from
14 seeing that hole, is there?

15 A. At the point of -- yes, my
16 gear probably.

10:11:02AM

17 Q. What gear?

18 A. My camera bag, my tripod, my
19 camera, my film bag were all around me,
20 and so I would have expected the floor
21 to be there.

10:11:16AM

22 Q. I'm not asking what you
23 expect. I'm asking you, was there

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1 anything blocking your visual view of
2 the floor area where that grate was
3 missing?

4 A. I wasn't looking at the floor.

5 Q. All I'm asking you, was there 10:11:42AM
6 anything blocking your view of that
7 hole at that time?

8 A. My camera and tripod take up
9 this much space in front of me
10 (indicating), and I needed -- I was 10:11:56AM
11 concentrating on the robots painting
12 and the shot I wanted to get. So in
13 essence, yes, the answer is yes, I was
14 looking at something other than the
15 floor. 10:12:08AM

16 Q. Well, I understand you were
17 looking at something other than the
18 floor. Was there anything to prevent
19 you from looking at the floor where
20 that hole was? 10:12:16AM

21 A. Yes. If I had looked down, I
22 would have not seen. I think my camera
23 and bag and everything would have

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1 Q. Okay.

2 A. Because it wasn't -- I mean,
3 it wasn't a long time I was in there
4 before that happened.

5 Q. Uh-huh. And how many grates
6 were gone in the floor, as you
7 remember?

10:15:24AM

8 A. Two.

9 Q. At the time you actually
10 stepped your foot in that hole in the
11 floor, are you looking at the robots?

10:15:50AM

12 A. Yes.

13 Q. Was there anything in
14 particular that you were looking for
15 when you did that?

10:16:02AM

16 A. I look for a lot of things
17 when I'm shooting. I look for light, I
18 look for color, shape. I also watch to
19 make sure the robots are not doing
20 something erratic, because they can in
21 a startup of a plant. They always can.
22 I mean, that could be even during when
23 the plant could be going for cars and

10:16:22AM

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1 the robot can -- it's run by computer,
2 they're not perfect. You really have
3 to watch for them, what they're doing,
4 not spinning around spraying you or --
5 so I was watching for the kind of shots
6 I wanted to make.

10:16:40AM

7 Q. Okay. And at the last time
8 you're setting up the tripod and at the
9 time you step in this hole, is the car
10 in front of you moving away?

10:16:54AM

11 A. Yes.

12 Q. So it's still moving?

13 A. Yes.

14 Q. And if it's moving, you have
15 to get your tripod set up fairly
16 quickly to get those shots or you miss
17 those shots?

10:17:06AM

18 A. I have to work efficiently,
19 but I don't work too speedily because
20 it doesn't make good pictures. Even
21 though the situations are always in
22 this kind of photography that, you
23 know, there is just this much time to

10:17:20AM